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EPA: Texas war over agency regulations comes to Capitol Hill *(Wednesday, February 5, 2014)*

Robin Bravender and Mike Soraghan, E&E reporters

Texas officials and GOP lawmakers used a congressional hearing today to harangue federal regulators for meddling in their state.

Sitting in the audience was Steve Lipsky, a Texas homeowner whose 2010 complaint that natural gas was contaminating his drinking water has put him in the center of a battle over drilling regulations in the state. He attended the House hearing with Josh Fox, the environmental activist and filmmaker behind the 2010 documentary "Gasland."

Lipsky, wearing a large name tag to be easily identified, held the hand of his wife, Shyla, as top Texas regulators and lawmakers hammered U.S. EPA and Democrats defended the agency's actions.

But Lipsky -- who says his water still has enough methane that it can be lit on fire -- wasn't pleased with the political banter he heard today.

"At first, they said my water's not contaminated. Then they said it was a hoax, and now they're basically saying, hey, it's one well out of hundreds of thousands. Right now, their attitude, I think, is they feel it's more important to get energy whatever way they can than it is to protect water and air," Lipsky said, adding he was treated like "we were a liar, we were a hoax, that we made this up."

David Porter (R) -- one of three elected Texas Railroad Commission members who oversee drilling in the state -- cited Lipsky's case to illustrate what he termed EPA overreach.

"Nothing exemplifies the severe incompetence and blatant disregard for sound science as well as EPA's infamous mishandling of the Range Resources case in Parker County, Texas," Porter said.

Fort Worth-based Range Resources Corp. drilled two wells in 2009 outside Weatherford, west of Fort Worth, near a large-lot subdivision called Silverado on the Brazos.

Two homeowners in that subdivision subsequently complained that their water went bad. One was Lipsky, who owns a mortgage processing business in Weatherford.

Frustrated that state officials wouldn't take action in the case, EPA hit Range with an enforcement action in December 2010 that accused the company of contaminating the water. Range mounted a vigorous defense, and the case quickly came to be viewed as a test of the safety of shale drilling and the effectiveness of federal regulation.

In March 2012, EPA abruptly dropped the case. In place of explanations, EPA simply said Range would do much of the testing that would have been done anyway. It also said Range had agreed to provide access to its well sites for the agency's multiyear study of hydraulic fracturing. It never did. Many questions about the case remain unanswered ([EnergyWire](#), Jan. 14).

House Science, Space and Technology Chairman Lamar Smith (R-Texas) also hammered the agency, claiming it overreached in the case. "The EPA's efforts to demonize hydraulic fracturing are another way of an agency putting partisan politics above

sound science," he said. "After recklessly making wild claims of contamination, EPA was forced to retract those claims when the facts came out."

Smith released a letter dated Jan. 24 from Range lawyers to an Associated Press reporter, criticizing the news agency's coverage of tests showing more methane in waters in North Texas.

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